

-9-

REMARKS

In the application, Claims 1-26 are pending. Claims 1-18 are allowed, Claims 19-26 are rejected, and Claims 1 and 10 are objected to. After due consideration of the Examiner's comments in the Office Action of October 31, 2008, claims 1, 10 and 19-26 have been amended. Applicants respectfully request reconsideration of the claims as amended.

Claim Objections

The Examiner has objected to Claims 1 and 10 by stating that it appears as if there is a word repetition of "snow" at Claim 1, line 13, and Claim 10, line 15.

Claim 1 and 10 have been amended to correct the informalities, and as such, the Applicants request that the Examiner withdraw the objection.

Rejections under 35 USC §101

The Examiner has rejected Claims 19-26 under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claims 19-26 have been amended to adopt the format approved by the Court of Appeals for the Federal Circuit in *In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995) for compliance with statutory subject matter requirements, and as such, the Applicants request that the Examiner withdraw the 101 rejection.

Allowed Subject Matter

Applicant thanks the Examiner for the indication of allowability of claims 1-18.

Conclusion

It is submitted that the foregoing amendments and comments address and overcome each stated ground for rejection. Therefore, Applicants respectfully request that the Examiner withdraw the rejections and objections to the claims and allow all claims as now presented and issue a notice of allowance of the application.

-10-

Should the Examiner believe that prosecution of this application might be expedited by further discussion of the issues, he is invited to telephone the undersigned attorney for Applicants at the telephone number indicated below.

Respectfully submitted,



Dated: February 2, 2009

By: _____

Eleanor M. Musick
Attorney for Applicants
Registration No. 35,623

PROCOPIO CORY HARGREAVES & SAVITCH LLP
530 B Street
Suite 2100
San Diego, California 92101-4469
Telephone: (760) 931-9703 (direct)
Facsimile: (619) 744-5478

Docket No. 4033-USC (111944-000061)